

EXHIBIT 65

aa@neg.com

From: Southwest Airlines <no-reply@southwest-communications.com>
Sent: Monday, May 24, 2021 6:07 PM
To: aa@neg.com
Subject: Southwest Airlines Response to your Inquiry (Case #23602896)



Dear Aaron,

Thank you for your email. Beginning March 14, 2021, Southwest Airlines will consider applications for exemptions from this mask requirement from Passengers with a disability who cannot wear a mask, or who cannot safely wear a mask because of the disability. Several conditions apply that must be completed/adhered to prior to travel and receiving a mask exemption. For more details on this policy and for access to the submission form, please visit [here](#).

If you have any additional questions or concerns, please feel free to contact us anytime at 1-800-I-FLY-SWA (1-800-435-9792).

Sincerely,

Mike

Southwest Airlines

southwest.com | [Flight](#) | [Hotel](#) | [Car](#) | [Rapid Rewards](#) | [Travel Tools](#)

This is a post-only mailing from Southwest Airlines. Please do not attempt to respond to this message.

Southwest Airlines
2702 Love Field Drive
Dallas, TX 75235

Copyright 2020 Southwest Airlines Co. All Rights Reserved.

***** Confidentiality Statement/Disclaimer ***** This message and any attachments are intended for the sole use of the intended recipient. It may contain confidential information. Any unauthorized use, dissemination, or modification is strictly prohibited. If you are not the intended recipient please notify the sender immediately, and delete this email from all your systems; do not copy, use, or print. Internet communications are not secure, and it is the responsibility of the recipient to make sure that they are virus exempt. The company/sender cannot be responsible for any unauthorized alterations or modifications made to the contents. If you require any form of confirmation of the contents, please contact the company/sender. The company/sender is not liable for any errors or omissions in the content of this message.



ref:_00Df43k1z._5005GiZe9l:ref

9/7/21, 1:17 PM

Air Travel for customers with disabilities | Southwest Airlines

Español



FLIGHT | HOTEL | CAR | VACATIONS SPECIAL OFFERS RAPID REWARDS®

Customers with Disabilities

Notice of Disability

Exemption to Federal Mask Requirement on Southwest Airlines

Assistance in the Airport

Federal law requires each person, 2 years of age and older, to wear a mask at all times throughout the flight, including during boarding and deplaning. Refusing to wear a mask is a violation of federal law and may result in denial of boarding, removal from the aircraft, and/or penalties under federal law.

Security Screening

Southwest Airlines will consider applications for exemptions from this mask requirement from Passengers with a disability who cannot wear a mask, or who cannot safely wear a mask because of the disability.

Wheelchairs & Other Devices

Per guidance from the U.S. Department of Transportation, airlines are permitted to impose certain requirements or conditions on a person requesting an exemption from the mask requirement.

Please comply with the following pre-travel steps:

Allergies

At least seven (7) days prior to the Passenger's planned date of travel, a Passenger requesting a mask exemption for travel on Southwest Airlines must complete and submit the following via [Southwest.com](#)>[Contact Us](#)>[Send a Message](#).>[Email Us](#): [Comment/Question>Disability>Future Travel Assistance](#):

Cognitive Disabilities

1. A fully completed copy of this form executed by the Passenger making the request, or if the Passenger requesting a mask exemption is a minor child, the parent or guardian of such minor child; and

Deaf or Hard of Hearing

2. A signed letter from the requesting Passenger's Medical Physician on the Physician's letterhead stating that the Passenger with a disability has a recognized medical condition precluding the wearing or safe wearing of a mask because of their disability.

Blind Or Low Vision

Once Southwest Airlines receives a mask exemption application in line with the above criteria, at Southwest's request to Passenger, Passenger may undergo a private medical screening (over the phone) with a third-party medical provider (Southwest Airlines' vendor StatMD).

Medication

If Southwest preliminarily approves a mask exemption after reviewing the Passenger's PDF document and the Medical Physician's letter and after receiving the third party medical provider's affirmation for travel, if required, Southwest will contact you at the phone number or email address provided below to discuss any need to change your travel dates and/or flights and remind you of the need to obtain a qualifying COVID negative viral test.

Medical Oxygen

No later than 24 hours prior to the Passenger's scheduled departure(s), Passenger must provide evidence of Passenger's qualifying COVID negative viral test result. A qualifying COVID negative viral test result is defined as:

Portable Oxygen Concentrators

A physical or electronic documentation of a qualifying COVID negative viral test taken within three (3) calendar days preceding the Passenger's scheduled date of travel. A viral test means a viral detection test for current infection, which is a nucleic acid amplification test with observation approved or authorized by the relevant national authority for the detection of SARS-CoV-2.

Non-Passenger Escort

Note: Roundtrip travel will require an additional qualifying COVID negative viral test result taken within three (3) calendar days preceding the Passenger's scheduled date of return travel and submitted no later than 24 hours prior to the Passenger's scheduled departure, unless the Passenger's return flight is within three (3) calendar days of the date of the initial negative COVID-19 departure test.

Your Rights

Join the Discussion

Share knowledge and learn from travelers just like you.

Community

How May We Help You? Search Customer Service

Enter Keyword(s)

Search

Need Help?

We're a click away.
Contact Us

Need help? Contact Us

Customer Service Help Center

Subscribe

Wanna receive email from us?

Sign up to get the latest deals.

Connect with us



Discussion Forum and Stories



Mobile Apps

About Southwest

Flying Southwest

Southwest Products

Customer Service

9/7/21, 1:17 PM

Air Travel for customers with disabilities | Southwest Airlines

What's New	Flying with Southwest	Southwest Fares	Help Center
Press Room	Rapid Rewards®	EarlyBird Check-in®	Sitemap
Investor Relations	International Travel	Business Select®	Customer Commitments
Southwest Citizenship	Airport Information	Upgraded Boarding	Baggage Policies
Southwest.fm	737 Max Resource Page	Southwest® gift card	Special Assistance
Supplier Information	New Destinations	Hotels	Customers of Size
Careers	Popular Routes	Southwest Vacations	Traveling with Infants
	Tarmac Delay Plan	Southwest Airlines® Experiences	Traveling with Pets
	Contract of Carriage	WiFi & Inflight Entertainment	Purchasing & Refunds
	Flight Schedules	Southwest Business	Lost and Found
		Groups	Inflight Beverage Receipts
		Charter Services	
		Southwest® The Store	
		Rapid Rewards® Credit Card	

 Indicates external site which may or may not meet accessibility guidelines© 2021 Southwest Airlines Co. All Rights Reserved. Use of the Southwest websites and our Company Information constitutes acceptance of our [Terms and Conditions](#), [Privacy Policy](#) and [Do Not Sell My Personal Information](#).

aa@neg.com

From: aa@neg.com
Sent: Tuesday, January 11, 2022 2:31 PM
To: 'alex.taday@dot.gov'
Subject: FW: Southwest Airlines Response to your Inquiry (Case #36157578)

Mr. Taday,

Please see the response below from Southwest Airlines regarding this case.

They are saying that a person with Covid 19 presents a direct threat, and therefore they're entitled to deny access to anyone who does not apply in advance, fill out specific applications, and get approved in advance.

The problem is that I do not have Covid and they have no evidence that I have Covid.

Evaluation of direct threat needs to be individualized, as per ACAA.

Just saying someone with Covid is a direct threat does not give them license to force all people to go through an unnecessary process in order to fly without a mask.

Besides, I have done that process with other airlines, and as expected, they didn't let me on anyway. The processes are there just to discourage someone like me from even trying.

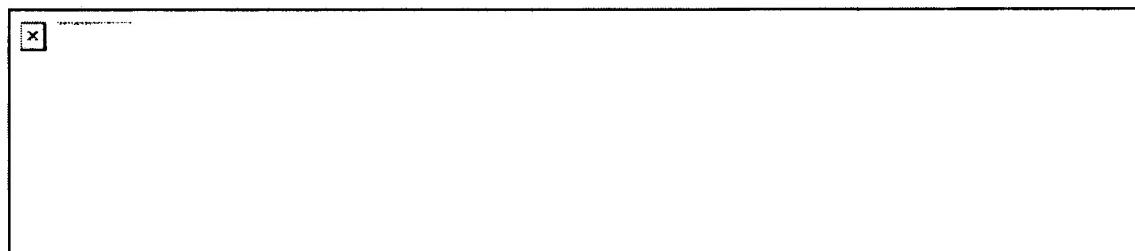
Please file this response in the file for this case.

It would be extremely helpful if your office can clarify the laws and correct these misinterpretations as soon as possible. To this point, I can still barely get a flight to anywhere, as due to my disability, I cannot wear a mask.

Thank you,

Aaron Abadi

From: Southwest Airlines <no-reply@southwest-communications.com>
Sent: Tuesday, January 11, 2022 2:04 PM
To: aa@neg.com
Subject: Southwest Airlines Response to your Inquiry (Case #36157578)



Dear Aaron,

We received your follow-up email. I recognize that it has taken us some time to respond to your concerns due to the high Customer inquiry volumes we are experiencing, but I appreciate the opportunity to respond.

I'm sorry for your continued disappointment regarding our mask policy and mask exemption process. I understand you still have some concerns and believe we are not in compliance with the Air Carrier Access Act (ACAA). I assure you that we are fully aware of all laws and regulations protecting passengers with disabilities and strictly prohibit discrimination in any form.

We do not limit the number of passengers with a disability on a flight, so we are not failing to comply with §382.17.

Regarding §382.19 and §382.21, as you note, airlines may not refuse transportation to passengers with disabilities on the basis of a disability unless there is a safety issue or the passenger's condition poses a direct threat. Based on our analysis, a Customer with COVID-19 would likely pose a direct threat since evidence shows COVID-19 can be spread by someone who does not have symptoms. As such, because of public health guidance recognizing the important role of face coverings in preventing the transmission of COVID-19, Southwest will temporarily refuse to transport any passenger who does not qualify for a disability related mask exemption and is unable to or chooses not to wear a mask. With this in mind, we are not failing to comply by doing so.

We do not require passengers seeking a mask exemption, or passengers whose mask exemption applications have been approved, provide a medical certificate in order travel. We are not failing to comply with §382.23 as such.

We agree that, in most cases, an airline cannot ask for advance notice from a passenger with a disability, in order to travel. However, one of the conditions allowed by the CDC Order (federal mask mandate) is that persons seeking an exemption from the requirement to wear a mask may have to request an accommodation in advance. As permitted by the CDC Order, Southwest does request that Customers submit a completed application in advance. We are not failing to comply with §382.25 in this regard.

We are not imposing restrictions on passengers with a disability that we do not impose on other passengers as we require all passengers—regardless of whether or not they have a disability—to wear a mask throughout their travel. Additionally, only qualified persons with disabilities are granted exemptions to

travel without a mask as allowed by the aforementioned CDC order. With all of this in mind, we are not failing to comply with §382.33.

Finally, as I mentioned in the email I sent you following your complaint to the Department of Transportation (DOT), you were denied an exemption to our policy because you did not submit a completed exemption application. While you have provided us a doctor's note on more than one occasion, you still have not included the required completed mask exemption Passenger application form. As I noted before, we are more than happy to reevaluate your exemption request should you chose to reapply with all the required information. You can find our requirements for an exemption and instructions to apply on our website.

We appreciate your patronage and hope to welcome you onboard soon.

Jen McCleskey
Senior Specialist, Customer Advocacy

This email is being sent from a "no-reply" email address. You may follow-up with us on our website. Additionally, by law, I'm required to inform you that should you wish to pursue this matter further, you may contact the U.S. Department of Transportation.

[REDACTED]

This is a post-only mailing from Southwest Airlines. Please do not attempt to respond to this message.

Southwest Airlines
2702 Love Field Drive
Dallas, TX 75235

Copyright 2020 Southwest Airlines Co. All Rights Reserved.

***** Confidentiality Statement/Disclaimer ***** This message and any attachments are intended for the sole use of the intended recipient. It may contain confidential information. Any unauthorized use, dissemination, or modification is strictly prohibited. If you are not the intended recipient please notify the sender immediately, and delete this email from all your systems; do not copy, use, or print. Internet communications are not secure, and it is the responsibility of the recipient to make sure that they are virus exempt. The company/sender cannot be responsible for any unauthorized alterations or modifications made to the contents. If you require any form of confirmation of the contents, please contact the company/sender. The company/sender is not liable for any errors or omissions in the content of this message.

ref:_00Df43k1z._5005GudEJm:ref